



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

August 30, 2007

IA-07-018

Ms. Cindy Needham
[Home Address Removed
According to 10 CFR 2.390]

SUBJECT: NOTICE OF VIOLATION (NRC OFFICE OF INVESTIGATIONS REPORT
NO. 2-2006-011)

Dear Ms. Needham:

This letter is in reference to the investigation completed by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) on September 27, 2006, regarding your involvement in the administration of NRC-required annual requalification testing of security officers at Progress Energy/Carolina Power and Light Company's (CPL) Shearon Harris Nuclear Plant (HNP), while you were employed as a contract security supervisor by Securitas Security Services USA, Inc. The results of the investigation, including the identification of an apparent violation of 10 CFR 50.5, Deliberate Misconduct, were forwarded to you by our letter of April 13, 2007.

Our letter also informed you that the NRC was considering escalated enforcement action against you in accordance with its Enforcement Policy, and you were provided an opportunity to either respond in writing to this apparent violation, attend a predecisional enforcement conference, or request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. You provided a written response to the apparent violation which was received by the NRC on May 15, 2007.

In your written response, you stated that in your attempt to help officers understand examination questions, you coached examination participants and reworded some of the questions. You stated that you did not provide specific answers to examination questions and that you did not commit any wrongdoing or cause any violations. You also stated that you acted pursuant to the instructions of your supervisors, and that your conduct was consistent with the manner in which examinations had been administered to you and others for several years at HNP.

Based on the information developed during the investigation particularly, your testimony and your written response, the NRC has concluded that your actions in this matter constitute a violation of 10 CFR 50.5(a)(1) "Deliberate Misconduct." The violation is cited in the enclosed Notice of Violation and the circumstances surrounding it are described in detail in the referenced investigation report.

Specifically, in 2005 you coached nuclear security officers while administering both annual written security re-qualification testing (Armed Guard/Responder Crucial Task Test) and annual re-qualification computer based testing (Plant Access, Radiation Worker and Respiratory Protection Training). As a result, you caused the licensee to violate 10 CFR 73.55(b)(4)(i), Section II.E. of Appendix B to 10 CFR Part 73, and the Shearon Harris Security Training and Qualification Plan, Revision 9, Section 3.3.1. Consequently, numerous security officers were not tested or qualified as required. Your written response provided no information or explanation to warrant a change in the NRC staff's initial determination as documented in our letter of April 13, 2007.

Deliberate violations are a very serious matter to the NRC because the agency relies upon the integrity of NRC licensees, contractors and their employees. Our licensees' examination process is critical in assuring that security officers possess the requisite knowledge to perform their duties. In this case, your actions diminished the Agency's confidence in HNP's examination process. Given the significance of the underlying issue and the deliberate nature of your actions, this violation has been categorized in accordance with the NRC Enforcement Policy at Severity Level III.

You should be aware that if you are involved in NRC-licensed activities in the future, additional deliberate violations could result in more significant enforcement action or criminal action.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/pdr.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at www.nrc.gov. In addition, this letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

If you disagree with this enforcement sanction you may request ADR with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts outside of court using a neutral third party. The technique that the NRC has decided to employ is mediation. Additional information concerning the NRC's program is described in the enclosed brochure (NUREG/BR-0317) and can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as an intake neutral.

Ms. Cindy Needham

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Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

If you have any questions or comments concerning this letter, please contact Mr. Joseph Shea of my staff at 404-562-4600.

Sincerely,

/RA/

William D. Travers
Regional Administrator

Enclosures:

1. Notice of Violation
2. Letter to HNP
3. NUREG/BR-0317

CERTIFIED MAIL: P 257 835 895
RETURN RECEIPT REQUESTED

Ms. Cindy Needham

Distribution w/encls:

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M. Virgilio, DEDMRT

J. Dyer, NRR

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V. McCree, RII

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C. Carpenter, OE

E. Julian, SECY

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Enforcement Coordinators

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J. Shea, RII

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Ms. Cindy Needham

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CERTIFIED MAIL: P 257 835 895
RETURN RECEIPT REQUESTED

X PUBLICLY AVAILABLE ☐ NON-PUBLICLY AVAILABLE ☐ SENSITIVE x NON-SENSITIVE

ADAMS: x Yes ACCESSION NUMBER: _____

OFFICE	EICS:RII	DRS	OE	NSIR	OGC	
SIGNATURE	/RA Sparks for/	/RA/		/RA Mburrell via telephone for/	/via email	
NAME	CEVANS	JSHEA		R. Correia	G. Longon	
DATE	8/24/07	8/30/07			8/22/07	
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

OFFICIAL RECORD COPY DOCUMENT NAME: C:\FileNet\ML072420294.wpd

NOTICE OF VIOLATION

Ms. Cindy Needham
[HOME ADDRESS REMOVED
PER 10 CFR 2.390]

IA-07-018

During an NRC investigation completed on September 27, 2006, and NRC in-office inspection completed on April 13, 2007, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is set forth below:

10 CFR 73.55(b)(4)(i), states, in part, that each guard, watchman, armed response person, and other member of the security organization shall requalify in accordance with Appendix B to this part at least every 12 months.

10 CFR Part 73, Appendix B, Section II.E., states, in part, that security personnel shall be requalified at least every 12 months to perform assigned security-related job tasks and duties for both normal and contingency operations. Requalification shall be in accordance with NRC-approved licensee training and qualification plan.

Shearon Harris Nuclear Plant Technical Specification 6.8, requires, in part, that the licensee develop and adhere to procedures listed in NRC Regulatory Guide 1.33, including procedures for instructing workers on radiological safety.

Shearon Harris Nuclear Plant, Security Training and Qualification Plan, Revision 0, dated October 18, 2004, Section 3.3.1, states, in part, that an annual written examination shall be administered to armed security officers which samples the knowledge requirements identified in the security training program.

Progress Energy Nuclear Generation Group (Shearon Harris) Standard Procedure TRN-NGGC-0010, Plant Access, Radiation Worker and Respiratory Protection Training, Revision 5, Section 9.5.2, paragraph 6, states in part, Plant Access Re-training (PAR) is required annually with a tolerance of the remainder of the month in which the training was completed. Section 9.5.3, paragraph 5, states in part, Radiation Worker Retraining (RWR) is required annually with a tolerance of the remainder of the month in which the training was completed. Section 9.8.3 states in part, Respiratory Protection Retraining (RPR) is required annually with a tolerance of the remainder of the month in which the training was completed.

10 CFR 50.5(a)(1) states, in part, that any contractor of any licensee, who knowingly provides to any licensee any components, equipment, materials, or other goods or services that relate to a licensee's or applicant's activities in this part, may not engage in deliberate misconduct that causes or would have caused, if not detected, a licensee to be in violation of any rule, regulation, or order; or any term, condition, or limitation of any license issued by the Commission.

Contrary to the above requirements, in 2005, Cindy Needham engaged in deliberate misconduct that caused Progress Energy/Carolina Power and Light Company's Shearon Harris Nuclear Plant (HNP) to violate 10 CFR 73.55(b)(4)(i) and 10 CFR Part

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73, Appendix B, Section II.E. Specifically, Ms. Needham, a contract security supervisor employed by Securitas Security Services US, Inc., deliberately provided answers to security officers by coaching them during the administration of NRC-required annual written security re-qualification testing (Armed Guard/Responder Crucial Task Test) and while administering the NRC-required annual re-qualification computer based testing (Plant Access, Radiation Worker and Respiratory Protection Training). As a result, numerous security officers were not tested or qualified as required.

This is a Severity Level III Violation (Supplement III).

Pursuant to the provisions of 10 CFR 2.201, Ms. Cindy Needham is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Regional Administrator, Region II, 61 Forsyth Street SW, Suite 23T85, Atlanta, GA 30303, and marked "Open by Addressee Only", and a copy to the NRC Resident Inspector at the Harris Nuclear Plant, 5421 Shearon Harris Road, New Hill, NC 27562, with a similar marking, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; IA-07-018" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/pdr.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

This letter will be maintained by the Office of Enforcement in an NRC Privacy Act system of records, NRC-3, "Enforcement Actions Against Individuals." The NRC-3 system notice, which provides detailed information about this system of records, can be accessed from the NRC Web site at <http://www.nrc.gov/reading-rm/foia/privacy-systems.html>.

Dated this 30th day of August 2007

August 30, 2007

EA-07-040

Carolina Power & Light Company
ATTN: Mr. Robert Duncan, II
Vice President - Harris Plant
Shearon Harris Nuclear Power Plant
P. O. Box 165, Mail Code: Zone 1
New Hill, NC 27562-0165

SUBJECT: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY
(SHEARON HARRIS NUCLEAR PLANT - NRC OFFICE OF INVESTIGATIONS
REPORT NO. 2-2006-011 AND INSPECTION REPORT NO.
05000400/2007403)

Dear Mr. Duncan:

This refers to an investigation completed by the Nuclear Regulatory Commission's (NRC) Office of Investigations (OI) on September 27, 2006, (Report 2-2006-011) and an NRC in-office inspection completed on April 13, 2007, (Report 05000400/2007402). The purpose of the investigation and inspection was to determine whether contract security officers at Progress Energy/Carolina Power and Light Company's (CPL) Shearon Harris Nuclear Plant (HNP) were provided answers by supervisors during the administration of NRC required requalification testing. The results of our review of this matter, including the identification of two apparent violations, were transmitted to CPL by our letter dated April 13, 2007.

On May 30, 2007, a predecisional enforcement conference was conducted in the NRC's Region II Office with CPL to discuss the apparent violations, the significance, root causes, and CPL's corrective actions. At the conference, CPL did not contest the apparent violations, and provided a detailed description of its corrective actions taken in response to the issue. CPL stated that its root cause analysis concluded that the violations were caused by a lapse of integrity on the part of contract supervisors and inadequate management oversight.

Based on the information developed during the inspection and investigation, and the information you provided during the conference, the NRC has determined that one violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject inspection report and OI investigation.

The violation involved the requirements of 10 CFR 73.55(b)(4)(I), Section II.E. of Appendix B to 10 CFR Part 73, the Shearon Harris Security Training and Qualification Plan, Revision 9, Section 3.3.1, and Technical Specification (TS) 6.8. In September 2005, a supervisor deliberately provided the answer key with tests he handed out during NRC-required annual written security re-qualification testing (Armed Guard/Responder Crucial Task Test). During 2005, that same supervisor and two other supervisors deliberately provided answers to security officers while administering NRC-required annual written security re-qualification testing (Armed

Enclosure 2

Guard/Responder Crucial Task Test) and while administering the NRC required annual re-qualification computer based testing (Plant Access, Radiation Worker and Respiratory Protection Training). As a result, numerous security officers were not tested or qualified as required. Consequently, it could not be concluded with any degree of certainty that contract security officers achieved the minimum passing score of 80 percent on the Plant Access, Radiation Worker and Respiratory Protection Training, as specified by TS and Progress Energy Nuclear Generation Group (Shearon Harris) Standard Procedure TRN-NGGC-0010, Plant Access, Radiation Worker and Respiratory Protection Training, Revision 5. It also could not be concluded with any degree of certainty that contract security officers achieved the minimum passing score of 70 percent on the Armed Guard/Responder Crucial Task Test, as specified by the Shearon Harris Security Training and Qualification Plan.

Although CPL's subsequent actions confirmed that contract security officers, in fact, possessed the requisite knowledge as evidenced by their satisfactory completion of additional examinations, the NRC considers the above violation to represent a significant deficiency in CPL's processes for qualifying and testing of officers. In addition, the deliberate misconduct of security supervisors raises a significant concern regarding CPL's oversight of its security contractor, and calls into question the integrity of its contractor's implementation of the qualification process for its security officers. Therefore, this violation is categorized in accordance with the NRC Enforcement Policy at Severity Level III.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$65,000 is considered for a Severity Level III violation. Because the violation was willful, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section VI.C.2 of the Enforcement Policy.

In this case, concerns regarding possible improper testing were brought to the attention of the NRC by outside stakeholder organizations in December 2005. The NRC notified CPL of the concerns during its investigation into the matter as part of an on-site inspection/investigation in January 2006. Therefore, credit is not warranted for the factor of *Identification*.

In response to this incident, CPL took numerous corrective actions, including: (1) performance of a root cause investigation into the circumstances of this matter; (2) changes in the administration of examinations such that examinations now will be given only by State certified HNP security training personnel; (3) developing and including formal documentation of examination requirements in HNP's procedures; and (4) re-administering examinations to security officers by State certified training personnel.

CPL also noted that the individuals involved in the deliberate misconduct were no longer employed by its security contractor, and provided details of various activities at the site to improve the recruitment and retention of security staff.

Additional corrective actions included licensee and contractor emphasis on improvements in communications at all levels of the security organization, the performance of additional field observations of security related activities, and the increased use of the corrective action

program by security personnel. Based on the above, credit is warranted for the factor of *Corrective Action*.

Therefore, to emphasize the importance of prompt identification of violations, and in recognition of the significance of deliberate violations involving the training and qualification of security officers, I have been authorized, after consultation with the Director, Office of Enforcement, to issue the enclosed Notice of Violation and Proposed Imposition of Civil Penalty (Notice) in the base amount of \$65,000 for this Severity Level III violation.

The NRC has concluded that information regarding the reasons for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in this letter and in the information provided by CPL at the conference. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

For administrative purposes, this letter is issued as a separate NRC Inspection Report, 05000400/2007403, and the above violation is identified as VIO 05000400/2007403-01, Administration of NRC Required Annual Security Re-qualification Testing. Accordingly, Apparent Violations (AVs) 05000400/2007402-01, Administration of NRC Required Annual Written Security Re-qualification Testing, and 05000400/2007402-02, Administration of NRC Required Annual Plant Access, Radiation Worker and Respiratory Protection Training Testing, are closed.

If you disagree with this enforcement sanction you may request Alternative Dispute Resolution (ADR) with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts outside of court using a neutral third party. The technique that the NRC has decided to employ is mediation. Additional information concerning the NRC's program is described in the enclosed brochure (NUREG/BR-0317) and can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>.

The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as an intake neutral. Please contact ICR at 877-733-9415 within 10 days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and enclosures will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions concerning this letter, please contact Mr. Joseph Shea, Director, Division of Reactor Safety, at (404) 562-4600.

Sincerely,

/RA/

William D. Travers
Regional Administrator

Docket No.: 50-400
License No.: NPF-63

Enclosures:

1. Notice of Violation and Proposed Imposition
of Civil Penalty
2. NUREG/BR-0317
3. NUREG/BR-0254

cc w/encls:

Paul Fulford, Manager
Performance Evaluation and
Regulatory Affairs CPB 9
Carolina Power & Light Company
P. O. Box 1551
Raleigh, NC. 27602-1551

Eric McCartney
Plant General Manager - Harris Plant
Progress Energy Carolinas, Inc.
Shearon Harris Nuclear Power Plant
P. O. Box 165, Mail Zone 3
New Hill, NC 27562-0165

Thomas Natale, Manager
Support Services
Carolina Power & Light Company
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J. Wayne Gurganious
Training Manager-Harris
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New Hill, NC 27562-0327

David H. Corlett, Supervisor
Licensing/Regulatory Programs
Carolina Power & Light company
Shearon Harris Nuclear Power Plant
P. O. Box 165, Mail Zone 1
New Hill, NC 275-0165

David T. Conley
Associate General Counsel - Legal Department
Progress Energy Services Company, LC
P. O. Box 1551
Raleigh, NC 27602-1551

NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

Shearon Harris Nuclear Plant
Unit 1

Docket Nos. 50-400
License No. NPF-63
EA-07-040

During an NRC investigation completed on September 27, 2006, and NRC in-office inspection completed on April 13, 2007, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The violation and associated civil penalty are set forth below:

10 CFR 73.55(b)(4)(I), states, in part, that each guard, watchman, armed response person, and other member of the security organization shall requalify in accordance with Appendix B to this part at least every 12 months.

10 CFR Part 73, Appendix B, Section II.E., states, in part, that security personnel shall be requalified at least every 12 months to perform assigned security-related job tasks and duties for both normal and contingency operations. Requalification shall be in accordance with NRC-approved licensee training and qualification plan.

Shearon Harris Nuclear Plant, Security Training and Qualification Plan, Revision 0, dated October 18, 2004, Section 3.3.1, states, in part, that an annual written examination shall be administered to armed security officers which samples the knowledge requirements identified in the security training program.

Shearon Harris Nuclear Plant Technical Specification 6.8, requires, in part, the licensee to develop and adhere to procedures listed in NRC Regulatory Guide 1.33, including procedures for instructing workers on radiological safety.

Progress Energy Nuclear Generation Group (Shearon Harris) Standard Procedure TRN-NGGC-0010, Plant Access, Radiation Worker and Respiratory Protection Training, Revision 5, Section 9.5.2, paragraph 6, states in part, Plant Access Re-training (PAR) is required annually with a tolerance of the remainder of the month in which the training was completed. Section 9.5.3, paragraph 5, states in part, Radiation Worker Retraining (RWR) is required annually with a tolerance of the remainder of the month in which the training was completed. Section 9.8.3 states in part, Respiratory Protection Retraining (RPR) is required annually with a tolerance of the remainder of the month in which the training was completed.

Contrary to the above, in September 2005, the licensee failed to requalify members of its security organization as required by 10 CFR Part 73 and Shearon Harris Nuclear Plant Technical Specification 6.8. Specifically, a security supervisor provided the answer key with tests he handed out during NRC-required annual written security re-qualification testing (Armed Guard/Responder Crucial Task Test). Also, in 2005, that same supervisor and two other supervisors provided answers to security officers during

Enclosure 2

the administration of NRC-required annual written security re-qualification testing (Armed Guard/Responder Crucial Task Test) and while administering the NRC-required annual re-qualification computer based testing (Plant Access, Radiation Worker and Respiratory Protection Training). As a result, numerous security officers were not tested or qualified as required.

This is a Severity Level III Violation (Supplement III).
Civil Penalty - \$65,000.

The NRC has concluded that information regarding the reasons for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence and the date when full compliance was achieved is already adequately addressed on the docket in the information provided by licensee at the pre-decisional enforcement conference, and in the cover letter transmitting this Notice. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation and Proposed Imposition of Civil Penalty, EA-07-040" and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region II, and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice.

Within 30 days of the date of this Notice, the Licensee may pay the civil penalty proposed above in accordance with NUREG/BR-0254 and by submitting to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, a statement indicating when and by what method payment was made, or may protest imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission. Should the Licensee fail to answer within 30 days of the date of this Notice, the NRC will issue an order imposing the civil penalty. Should the Licensee elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violations listed in this Notice, in whole or in part; demonstrate extenuating circumstances; (3) show error in this Notice; or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the response should address the factors addressed in Section VI.C.2, "Civil Penalty Assessment," of the Enforcement Policy.

Any written answer addressing these factors pursuant to 10 CFR 2.205, should be set forth separately from the statement or explanation provided pursuant to 10 CFR 2.201, but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of the Licensee is directed to the other provisions of 10 CFR 2.205, regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205 to be due, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282c.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, classified or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material is withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 30th day of August 2007